

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHARLES SHEPPARD,

Plaintiff,

v.

LYNN BLISS, JAIME ADAMS¹ and
HOLLY GUNDERSON,

Defendants.

ORDER

19-cv-724-wmc

Pro se plaintiff Charles Sheppard, a prisoner at Oshkosh Correctional Institution (“Oshkosh”), is proceeding in this lawsuit under 42 U.S.C. § 1983, on a First Amendment retaliation claim against defendant Lynn Bliss, and an Eighth Amendment deliberate indifference claim against defendants Bliss, Jaime Adams and Holly Gunderson. On April 8, 2022, defendants filed a motion for partial summary judgment, arguing in particular that plaintiff failed to exhaust his administrative remedies with respect to his retaliation claim against Bliss. (Dkt. #12.) The court set April 29, 2022, as plaintiff’s deadline to respond to that motion. That deadline has passed, but plaintiff has neither responded to defendants’ motion nor requested additional time to file his response. Therefore, it appears that plaintiff has abandoned this claim against Bliss. Before dismissing this claim against Bliss, however, the court will give plaintiff one more opportunity to respond to defendants’ motion. Plaintiff is advised that his failure to respond by the deadline set forth below will cause the court to dismiss plaintiff’s First Amendment retaliation claim against Bliss with prejudice, for failure to prosecute.

¹ The court has modified the spelling of this defendant’s name to be consistent with defendants’ correction and directs the clerk of court to do the same.

ORDER

IT IS ORDERED that:

1. Plaintiff Charles Sheppard has until **May 26, 2022**, to respond to defendants' partial motion for summary judgment.
2. **If plaintiff fails to respond to defendants' motion by that deadline, the court will dismiss his retaliation claim against Bliss with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).**

Entered this 11th day of May, 2022.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge